

## **SUMMARY STATEMENT**

*State v. David Charles Glodowski*

Docket No. 45285

While living in Wisconsin, David Charles Glodowski pled guilty to sexual assault and was required to register in Wisconsin as a sex offender. Glodowski relocated to Idaho. Thereafter, the Bureau of Criminal Identification, a division of the Idaho State Police, issued a final order concluding that Glodowski must register in Idaho as a sex offender because his Wisconsin conviction is substantially equivalent to an Idaho sex-related offense. Although Glodowski registered as a sex offender, the State later charged him for failing to update his registration information.

Before trial, the State sought a ruling that Glodowski's Wisconsin conviction is substantially equivalent to an Idaho sex-related offense. The district court ruled that, as a matter of law, it is. The case proceeded to trial, and the jury found Glodowski guilty.

Glodowski appealed, challenging the district court's ruling that his Wisconsin conviction is substantially equivalent to an Idaho sex-related offense. The Idaho Court of Appeals held that the district court lacked authority, and thus it lacked jurisdiction, to redetermine this issue. The Idaho Administrative Procedure Act governs any challenge to a final order that an out-of-state conviction is substantially equivalent to an Idaho sex-related offense. A timely filing under that Act is jurisdictional. Absent a timely appeal pursuant to the Act, the final order is conclusive. The Idaho Court of Appeals affirmed the judgment of conviction.